

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

TEXACO INC., and Subsidiaries,

No. C 04-00316 SBA

Plaintiffs,

ORDER

UNITED STATES OF AMERICA,

[Docket No. 66]

Defendant.

10 On June 13, 2008, the Ninth Circuit issued an opinion in this matter and ordered “the district
11 court’s grant of summary judgment in favor of Texaco is VACATED and the case is REMANDED
12 to the district court for the entry of judgment in favor of the government.” Docket No. 71. A review
13 of the docket shows this Court did not grant summary judgment in favor of Texaco. On June 16,
14 2005, the Court denied both plaintiffs’ motion for partial summary judgment and defendant’s motion
15 for summary judgment. *See* Docket No. 48. The denial did have the effect, however, of favoring
16 plaintiff’s interpretation of 26 U.S.C. § 1341, over defendant’s interpretation, *see* Docket No. 65
17 at 1:23-2:24, which dispute is at the core of this litigation. Subsequently, on April 12, 2006, the
18 parties stipulated to a judgment in plaintiff’s favor, without waiving any rights of appeal, which the
19 Court granted on April 24, 2006. *See* Docket Nos. 65-66. As already mentioned, on appeal,
20 defendant’s interpretation of 26 U.S.C. § 1341 prevailed.

21 ACCORDINGLY, the Court REOPENS this matter, VACATES the Order granting the
22 stipulated Judgment in Favor of Plaintiff against Defendant [Docket No. 66], and GRANTS
23 judgment in favor of defendant. All matters calendared in this action are VACATED. The Clerk
24 shall CLOSE the file and terminate any pending matters.

IT IS SO ORDERED.

September 4, 2008

Saundra B Armstrong
Saundra Brown Armstrong
United States District Judge

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